



Meeting Notes
Drinking Water Advisory Group
June 3, 2019

Agenda Item	Notes
<p>ODW Updates Derek Pell, Deputy Director of Operations, for Mike Means, Director</p>	<ul style="list-style-type: none"> • There are issues with data errors in our system. We will partner with EPA to make sure we're connected with data communication needs. • Our budget is in the black. Now managing account and resources. • There was an expanded drought resolution last week. We've updated our webpage with resources. Sheryl Howes will give us a briefing later today. • PFAS is still awaiting toxicologist report. Mike Means will give more details. • Staffing: we're still operating on 23 vacancies. Continuing to consider right sizing and prioritization.
<p>Legislative Updates Jacqui Brown Miller, State Compliance and Enforcement Coordinator</p>	<ul style="list-style-type: none"> • We processed 86 items this session. Only four bills were passed to legislature. <ul style="list-style-type: none"> ○ HB1426: Concerning cooperation between conservation districts. ○ SB5352: Concerning the Walla Walla watershed management pilot program. The board has a list of tasks to accomplish during its transitional period: 1) Participate with Ecology to complete performance and financial audits for Walla Walla pilot program. 2) Continue to work with Ecology and tribes. 3) Create 30-year water resource management strategic plan with Ecology. 4) Develop a report with Ecology to be given to legislature that recommends scope and scale of water resource management strategic plan. 5) Coordinate with Office of Columbia River to request funding to complete tasks during transition period. ○ SB5958: Concerning public works contracts and inter-local agreements by second-class cities and towns. ○ SB5122: Addressing insurance coverage for water-sewer district commissioners. • Q: What's the status of the capital and operating budgets? A: The budget included proposals for group B funding; it didn't pass.
<p>Changes in the Contaminant Drinking Water Landscape Sam Perry, Engineering and Technical Services Unit Manager</p>	<ul style="list-style-type: none"> • Some challenges and opportunities in 2019: America's Water Infrastructure Act of 2018, Manganese, Perchlorate. • America's Water Infrastructure Act of 2018, focus today is Title II drinking water amendments. <ul style="list-style-type: none"> ○ Consumer Confidence Reports. EPA to revise regulations by October 2020—two years after AWIA passed. Small systems will still publish once per year. Additional clarity will identify corrosion control effects, water quality exceedances, violations. ○ Emergency Response and Resiliency. Agency may issue grants to underserved community to protect from contaminants and may recover costs from responsible parties. Expand risk and resilience assessments to include all hazards, including natural disasters in addition to malevolent acts. ○ Troubled Water System. Elements to incentivize parties entering into contractual agreements for management or administration of water



system to correct violations. Assessments and transfers for compliance; EPA developing regulations for repeat violators.

- **Unregulated Contaminants.** Lower threshold for mandatory monitoring under the UCMR from 10,000 to 3,300 people. That doubles the number of systems sampling under UCMR. Increase in water systems sampling contingent upon available lab capacity and appropriations. Timeline coincides with UCMR 5.
- **Manganese.** Traditionally not a health concern. More recent research suggest it is absorbed differently in water than in food—susceptible people include those under 6 years of age and the elderly, resulting in hyperactivity and diminished mental abilities. Regulatory updates in USEPA, Health Canada, and Minnesota DOH.
- **Perchlorate.** Biggest source from solid rocket fuel. Pregnant women and infants are most vulnerable. Regulated in some states.
 - Proposed rule released May 2019. Four consecutive monitoring periods start in 2023 for large water systems, 2026 for smaller water systems. Deadline for comments on proposed rule in August.
- Panelists: Cheri Reimers (Water Quality Specialist in City of Olympia) and John Kounts (Washington PUD Association Water Program Director) and John Roth (Clark County PUD Water Quality and Production Manager).
- Cheri Reimers: Manganese an issue. They manage the artesian well in downtown Olympia, which is three times the allowable level. They have to determine how to communicate with those customers. Consumer confidence reports are electronic.
- John Kounts: They serve 100,000 people. More interested in Manganese, and treat 28 active sources throughout county; 7 treated for Manganese—those 7 wells account for half of their water. Interested in hearing what reporting periods and deadlines are for consumer confidence reports. They report twice per year.
- John Roth: AWIA authorizes spending, but still dependent upon Congress for funding. The new legislation focuses more on what to do with small water systems that aren't in compliance. PUDs particularly interested in water system consolidation; they end up serving urban or rural areas, so see a lot of failing small systems. Increase in SRF program funding authorization for next four years. Water Infrastructure Finance and Innovation Act allows large utilities to borrow at low U.S. Treasury rates. PFAS receives much concern throughout U.S.; EPA needs more resources for health impact study concerning treatment.
- **Q:** How will Manganese issue be dealt with regarding consumer confidence reports? Will all our questions be sent to you? **A:** Water systems monitoring under UCMR4 must include detections for contaminants monitored under UCMR4. No specific health regulations developed regarding Manganese. DOH will field questions. If customers want more information, give it to them in the consumer confidence reports—include treatment suggestions.
- **Comment:** AWA J100 resilience assessment is a good resource.



	<ul style="list-style-type: none">• Q: Are the risk and resiliency assessments going into a database after they are completed? A: No, they are not.• Q: California was one state that promulgated a Perchlorate MCL. What thoughts do you have regarding the ability of states to investigate and establish MCLs? A: States have the ability to create more stringent MCL or health advisory levels.• Q: What method detection limits were used? Have they changed in the last year? A: The method detection limits listed in the rule are well below 1 part per billion. Some people may see it because Perchlorate appears in bleach solutions.• Q: If we know that there are known health effects, why do we have an MCL goal that is so low? A: EPA is required to put the MCL as close to MCL goal as is possible. But EPA doesn't expect to see any health effects for Perchlorate below MCL goal. Manganese shift concerning primary MCL might take several years to develop.
<p>Update on PFAS: Update to Chapter 246-290 WAC Revisions on PFAS and other Currently Unregulated Contaminants Mike Means in place of Theresa Phillips, Regulatory Analyst</p>	<ul style="list-style-type: none">• We made some general policy decisions around rule recommendations. We moved forward with rule drafting. Currently in review. We are structuring things to deal with unregulated contaminants (not just PFAS), breaking them up into acute and chronic contaminants, follow-up monitoring requirements, etc.• PFAS is different because it is an unregulated bio-contaminant. In cases where chronic bio-accumulative contaminants are present then additional things need to happen. If you are bio-accumulative, then we may be concerned with transient populations. If detected then we would require transient, non-community systems to test.• We are waiting for final numbers from toxicologists. We will hopefully publish the numbers later in the week.• Q: What treatment technology would be involved for PFAS? A: Granulated carbon is an effective treatment. There are other options being explored.• Q: Is Manganese part of the proposal to the Feds? Are you setting up goals? A: Not at this point. It is part of the unregulated contaminant monitoring rule by the Feds.• Q: Are you planning a roll out regarding PFAS regulation? It seems very complex. A: We will have a formal communications plan. But we'll have fact sheets and info available ahead of time.• Q: Can you define "bio-accumulative"? A: We will define that later. Arsenic does excrete from the human body. But PFAS compounds do not, they accumulate within the body.• Q: What's the testing spectrum? A: Testing requirement at 14. Action level at 5, but that is awaiting the report. Rule development addresses the structure of the rule—so everybody knows what to expect.• Q: Can you give a timeline when the PFAS fact sheet will be out? A: We're hoping in August.• Capital budget update: We are moving back into the black much sooner than expected. We got the state match authority. We had expected to be in



	<p>the red for one year longer. We received \$1.5 million toward consolidation from legislature, and \$5 million last year.</p> <ul style="list-style-type: none"> • Q: Is there an analyte list, method number, start date for testing? A: We have a method number that we can publish for DWAG. We don't yet have a start date. We plan on running the voluntary testing we asked for.
<p>Nitrate in Drinking Water Derek Pell, Deputy Director of Operations</p>	<ul style="list-style-type: none"> • An overview of occurrence data for nitrate in drinking water. When is nitrate treatment/mitigation "required"? Seeking feedback on a proposal. <ul style="list-style-type: none"> ○ Nitrate is an acute contaminant—a single exposure has health consequences. Contamination is usually related to ground exposure, migration into aquifer through soil layers. Since 1902 Washington State and State Board of Health have had rules that recognize the importance of separating waste from drinking water supply. In the '70s, there were more specific monitoring regulations. Federal requirements are annually monitoring, with shift to quarterly when 50 percent of MCL is reached. ○ Yakima County and Nooksack County are main areas—both have intense agriculture. ○ We use technical assistance and funding to respond. But we don't formally enforce until they fall short on three consecutive tests. We assembled a Nitrate team. ○ Nitrate is prevalent in Nebraska, Pennsylvania, and Wisconsin. <p>Group discussion.</p> <ul style="list-style-type: none"> ○ Two Qs: 1) Is there value to a monthly Nitrate monitoring requirement when Nitrate first exceeds MCL? If so, for how long? 2) What are the pros and cons of a new mitigation treatment trigger of monthly monitoring? Then if there are five months of samples greater than 10 milligrams/liter MCL within an 18-month range then that would trigger formal enforcement. ○ Q: Besides testing, what would it trigger? A: We can talk about those recommendations for taking additional steps. ○ Tumwater <ul style="list-style-type: none"> ▪ The Federal requirement is annual—unless you hit 50 percent of MCL, then it's quarterly. In order to better understand the occurrence of Nitrate, we would increase monitoring to a monthly frequency to get a better read. ▪ Q: What do you do after you have the understanding, while looking at the 18-month period? Would you reduce it after not seeing the trigger, if things come up clean? A: Presumably within those 18 months, you would either have five instances that would trigger it or you wouldn't. Then you would look at Federal requirements, figuring out how to transition monthly monitoring back to quarterly or annual monitoring. ▪ Q: When would this new monitoring happen? A: After the first exceedance we would monitor monthly. ▪ Q: I would rather know where I'm at before our system hits 10. What about starting the monthly monitoring earlier, before it goes to 10? A: There is a balancing act and a discernment between monthly



recommendations versus Federal requirement. You can always do more sampling; but those systems that exceed 10 would be **required** to sample. Systems that want to be proactive can do so. We would develop recommendations.

- The trigger we currently have is three consecutive quarters exceeding the MCL, then we go to formal enforcement. We'll advise people to take action before that. But after three consecutive quarters there will be enforcement documents. We're coming up with a new trigger proposal, including monthly monitoring for 18 months, and if there are five months exceeding 10 then that's the trigger for enforcement.
- **Q:** How long should systems be kept on monthly monitoring if they exceed on a regular basis? **A:** It would be consistent for us to keep the system on monthly monitoring, like the rest of our rules.
- **Comment:** How about 18 months under the MCL before monthly monitoring stops. **Response:** The only way we'll determine if the monthly monitoring is useful is when we do it.
- **Q:** Would a trigger on a running sum be more protective? **A:** We would consider it.
- **Summary:** We thought that the new trigger of exceeding 5 months while sampling monthly for 18 months is acceptable. We thought it a good idea to stay on monthly until the 18 months had not exceeded the MCL.

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- We have no objections to monthly monitoring. We thought maybe we should go to monthly monitoring even before the MCL exceedance. Perhaps accompanying monthly monitoring could be a DOH effort to encourage a look at the sanitary control area, water shed, and wellhead protection, etc.
- There are some concerns about cost of treatment. The consensus is that it should be fewer than 5 months, as it is an acute contaminant. If a system is put on the enforcement path, then we can always extend deadlines. We need more discussion to consider trigger details.

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- Is there value in monthly monitoring? Yes, maybe we should go to monthly monitoring before the MCL exceedance. There are concerns about treatment cost.
- It should be fewer than five months, five exceedances would be extraordinary considering the acute nature of the problem.
- **Comment:** Perhaps before moving forward with treatment we can do an investigation of protection areas because there may be a violator who we can encourage to change their ways before jumping into treatment—that could help them save money.
- **Comment:** It's not always treatment that is the mitigating answer, there are many other options for mitigating the problem. We want to get into that pathway to ensure something is done about it.



<p>Drought Sheryl Howe, Hydrogeologist</p>	<ul style="list-style-type: none">• Two factors are considered for any emergency drought declaration: water supply conditions that are currently or projected to be at or below 75 percent of average, and a projection of undue hardships.• The responsibility for monitoring water supply falls to the Water Supply Availability Committee, which is made up of federal and state agencies. They meet monthly since January due to low snowpack.• Hardship has not been formally defined by Legislature or Ecology. It must be evaluated whether it will cause severe economic injury, public health emergency, or severe environmental consequence.• First four months of the water year of 2018 were the warmest on record and very dry. By end of January, the snow pack was not in good shape. But February and March were the fifth coldest on record. By end of March, snow pack was as low as 68 percent of normal.• First drought declaration made April 4. Two weeks ago, the Governor expanded the declaration to include 24 additional watersheds. Ecology can authorize emergency withdrawals, water right transfers (hoping that applications will be processed within 15 days), grants and loans (if money has been allocated by Legislature).• Drought monies have been given by Department of Ecology. So far they have given \$2 million. Up to \$350,000 per project is available—except public water systems serving low-income communities, which may be able to waive the 50 percent requirement, may be able to qualify for \$700,000. Available on first-come-first-served basis. DWSRF available for DOH—and emergency funding available for cases of drought. DOH also has source monitoring protection monies available, grants for up to \$30,000 awarded on competitive basis.
<p>Agenda Ideas for Next Meeting Brian Walsh, Meeting Moderator</p>	<ul style="list-style-type: none">• Another Manganese update. Public perception has been formed for years; nobody was concerned about it. What is the liability for water systems? (Sam Perry will pull together a work group on that topic.)• Revisions to the lead and copper rule. EPA may have a proposed long-term revision after July.• What happens when/if federal drinking water rules start to come in effect? Will there be guidance for how to apply the new rules?• CCR reporting windows for six-month publishing cycles.• Ecology’s administration of reclaimed water, creating regulatory obstructions for water utilities looking to manage “one water.” (Reclaimed water.)• Update on final language for UICs. ODW’s recommendation and guidance.• Enforcement procedures for primary enforcement directive memorandum.• National compliance initiative—not next session, but in six months. ODW does have \$1.5 million for consolidation. We’re going to put \$150,000 out for feasibility studies—\$30,000 apiece for consolidation studies. We’ll have more info in six months.